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7 BEKAH DUBOIS,  
8 Plaintiff,  
9 v.  
10 ANTHONY BOSKOVICH, et al.,  
11 Defendants.

Case No. [21-cv-03224-HSG](#)

**ORDER RESCINDING DISMISSAL**

Re: Dkt. No. 16

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13 Plaintiff Bekah Dubois filed this action pro se on April 30, 2021. *See* Dkt. No. 1. On May  
14 7, 2021, Judge Kim<sup>1</sup> issued an order granting Plaintiff's motion to proceed *in forma pauperis*, but  
15 placed a hold on service of the complaint under 28 U.S.C. § 1915(e) because the complaint failed  
16 to establish that the Court had jurisdiction. *See* Dkt. No. 5. Judge Kim explained the deficiencies  
17 in the complaint and provided Plaintiff with another opportunity to amend. Having reviewed the  
18 amended complaint, Judge Kim again found that Plaintiff had failed to allege sufficient facts to  
19 establish that the \$75,000 amount in controversy was met, as required for the Court to have  
20 diversity jurisdiction over this case. *See* Dkt. No. 10. Accordingly, on July 22, 2021, Judge Kim  
21 recommended dismissing this case with prejudice. *See id.* at 3. The report and recommendation  
22 indicated that Plaintiff could file any objections within fourteen days. *See id.*

23 After the time for objections had passed, this Court adopted Judge Kim's report and  
24 recommendation and dismissed the case with prejudice. *See* Dkt. No. 16. The next day, the Court  
25 received Plaintiff's objection to the report and recommendation. *See* Dkt. No. 17. In it, Plaintiff  
26 suggested that she could cure the deficiencies in her complaint and requested an additional 30 days

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28 <sup>1</sup> This case was previously assigned to Magistrate Judge Sallie Kim, and was reassigned to this Court on July 23, 2021. *See* Dkt. No. 14.

1 to file a second amended complaint. *Id.*

2 Having considered Plaintiff's objection, the Court **RESCINDS** the dismissal and directs  
3 the Clerk to reopen this case. Dkt. No. 16. Plaintiff further **DIRECTS** Plaintiff to file her second  
4 amended complaint within 30 days of the date of this order. Plaintiff should ensure that she  
5 explains *how* this case meets the \$75,000 amount in controversy for diversity jurisdiction. It is not  
6 enough for Plaintiff to say that she is entitled to \$259,209.11 and \$800,000 in damages for each of  
7 her claims. She must explain in detail how she calculated these figures and why she believes that  
8 she is legally entitled to these damages.

9 **IT IS SO ORDERED.**

10 Dated: 9/2/2021

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12 HAYWOOD S. GILLIAM, JR.  
13 United States District Judge

United States District Court  
Northern District of California

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